

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JOHN B. GRAHAM,

Plaintiff,

v.

**NANCY A. BERRYHILL, Acting
Commissioner of Social Security
Administration,**

Defendant.

Case No. CIV-15-589-CG

ORDER

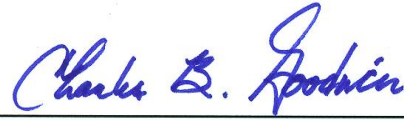
This Order supersedes the Order of the Court issued February 22, 2017. The Court's previous order (Doc. No. 27) is VACATED.

On September 30, 2016, the Court entered an Opinion and Order and a Judgment reversing the decision of the Acting Commissioner and remanding this case for further administrative proceedings. *See* Doc. Nos. 22, 23. Plaintiff John B. Graham now timely requests an award of attorney's fees in the amount of \$6026.60 pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. *See* Pl.'s Mot. Att'y Fees (Doc. No. 24); Pl.'s Br. (Doc. No. 25). Defendant has notified the Court that she has no objection to Plaintiff's requested award. *See* Def.'s Resp. (Doc. No. 26) at 1.

Having considered the Motion and the relevant record, the Court GRANTS Plaintiff's request (Doc. No. 24) and awards fees in the amount of \$6026.60, with said amount to be paid directly to Plaintiff and sent in care of Kyle J. Saunders, P.O. Box 1605, Ada, Oklahoma, 74820. If attorney's fees are also awarded under 42 U.S.C. § 406(b),

Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 2nd day of March, 2017.



CHARLES B. GOODWIN
UNITED STATES MAGISTRATE JUDGE